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SENATE

REPORT
No. 97-544

# RADIO BROADCASTING TO CUBA ACT

SEPTEMBER 15 (legislative day, SEPTEMBER 8), 1982.—Ordered to be printed

Mr. PERCY, from the Committee on Foreign Relations, submitted the following

## REPORT

together with

## MINORITY VIEWS

[To accompany H.R. 5427]

The Committee on Foreign Relations, to which was referred the bill (H.R. 5427) to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

### PURPOSE AND SUMMARY OF THE BILL

The principal purposes of H.R. 5427, as amended, are to increase the broadcasting capabilities of the United States in the Caribbean by establishing a new radio station to be called "Radio Marti", and to provide the people of Cuba with accurate information about Cuba and Cuban activities worldwide. The bill also: (1) grants oversight authority over Radio Marti to the Board for International Broadcasting; (2) requires that Radio Marti serve as a consistently reliable and authoritative source of accurate, objective and comprehensive news; (3) directs the National Telecommunications and Information Administration, in consultation with the Federal Communications Commission, to select a frequency for Radio Marti in accordance with five specific criteria; (4) authorizes $7.5 million for the creation of Radio Marti, $300,000 of which is earmarked for the Board for International Broadcasting to carry out its increased oversight responsibilities; (5) authorizes other agencies of the U.S. Government to provide assistance to Radio Marti on a fully reimbursable basis; (6) provides discretionary authority to pay compensation to domestic U.S. broad-

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casters for expenses they incur in mitigating the effects of Cuban interference; and (7) requires that the board of directors of Radio Marti and the members of the Board for International Broadcasting be the same individuals.

## Legislative Background and Committee Action

On September 22, 1981, President Reagan issued Executive Order 12323 creating a Presidential Commission to "develop recommendations with respect to broadcasting of information and ideas to Cuba." The Executive Order specified that the Commission shall "examine issues related to effectively carrying out this plan," including, but not limited to (1) possible program content; (2) information gathering; (3) writing and editing needs; (4) staffing requirements; (5) legal structure for a broadcasting organization; (6) proposed legislation; (7) budgets; (8) the location, structure and function of possible broadcasting stations.

On announcing the establishment of the Commission, National Security Adviser Richard V. Allen read a statement on behalf of President Reagan:

> The truth about the costs borne by the Cuban people as a result of their government's grandiose international involvement and repression of basic human rights has been shrouded in lies and half-truths. The truth about underdevelopment and mismanagement despite massive Soviet subsidies and direction of the economy is not known in Cuba.
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> Cubans, like all peoples, yearn for the truth. Even Cuba's leaders rely on the Western press and wire services, the Voice of America, and BBC for factual unbiased information about the world they live in. But these sources, because they cover events around the world, cannot satisfy the Cuban people's thirst for reliable information about their own country.
>
> This Administration has decided to break the Cuban Government's control of information in Cuba. It will do this by supporting establishments of Radio Broadcasting to Cuba. In Spanish, it will be called Radio Marti, after Jose Marti, the father of Cuban independence. This radio service will tell the truth to the Cuban people about their Government's domestic mismanagement and its promotion of subversion and international terrorism in this Hemisphere and elsewhere. It will tell the Cuban people what these activities cost in terms of living standards for them and their children and will correct the false image they have been given of Cuba's international reputation. . . .

Legislation authorizing appropriations for fiscal year 1982 and fiscal year 1983 for Radio Broadcasting to Cuba. Inc., was introduced in the Senate on November 16, 1981, and in the House of Representatives on February 2, 1982.

The Senate bill, S. 1853, authorized $10 million for fiscal year 1982 and such funds as necessary (approximately $7.5 million) for fiscal year 1983 for Radio Broadcasting to Cuba, Inc. (Sec. 2). It permitted

other funds to be granted to Radio Broadcasting to Cuba if certain conditions were met (Sec. 3); made the Secretary of State responsible for oversight pending designation of other appropriate authority (Sec. 4); permitted any agency or instrumentality of the United States to sell, loan, lease or grant property to and to perform administrative and technical support and services for the operation of Radio Broadcasting to Cuba and the Presidential Commission on Broadcasting to Cuba (Sec. 5); and authorized acceptance of donations to support the purposes of the Presidential Commission on Broadcasting to Cuba.

H.R. 5427, similar to the Senate bill, was amended on April 2, 1982 by the House Foreign Affairs Committee to include language authorizing the Board for International Broadcasting to make payments on a discretionary basis to the U.S. radio and television broadcasting station licensees to compensate them for expenses which they might incur in mitigating Cuban interference with the transmission or reception of broadcasting under those licenses. H.R. 5427 was then referred to the Committee on Energy and Commerce.

On May 25, 1982, the Committee on Foreign Relations received an 11-page interim report from the Presidential Commission on Broadcasting to Cuba. The report endorsed the concept of radio broadcasting to Cuba, considered "Radio Marti" an appropriate name, supported the use of the 1040 kHz AM frequency, and proposed budget figures of $10 million in fiscal year 1982 and $7,700,000 in fiscal year 1983. As to legal structure and oversight agency, the Commission recommended that its mandate be continued through Radio Marti's first year as temporary supervisory body. The interim report contained little discussion on the background or rationale for its recommendations.

On July 1, 1982, the Committee on Foreign Relations held a hearing to consider legislation creating Radio Marti. The following individuals testified on that date: (1) The Honorable Charles E. Grassley (R-Iowa); (2) The Honorable Thomas O. Enders, Assistant Secretary for Inter-American Affairs, Department of State; (3) The Honorable Fred C. Ikle, Under Secretary for Policy, Department of Defense; (4) Mr. Kalmann Schaefer, Assistant to the Chairman for International Communications, Federal Communications Commission; (5) Mr. F. Clifton White, Chairman, Presidential Commission on Broadcasting to Cuba; and (6) The Honorable Richard Stone, Member, Executive Committee, Presidential Commission on Broadcasting to Cuba.

On July 13, 1982, the House Committee on Energy and Commerce reported H.R. 5427 with an amendment which would require the Administration to take into account four criteria designed to protect commercial U.S. AM broadcasters.

On July 27, 1982, the Committee on Foreign Relations held another hearing to hear testimony from the following individuals: (1) The Honorable Roger W. Jepsen (R-Iowa); (2) Robert G. Engelhardt, Vice President, Palmer Communications, Inc., Des Moines, Iowa; (3) James R. Eddens, Vice President and General Manager, WOW Radio Station, Omaha, Nebraska; (4) Cy N. Bahakel, Jr., Director of Radio Operations, Bahakel Communications, Charlotte, North Carolina (representing KXEL of Waterloo, Iowa and WDOD of Chattanooga, Tennessee); (5) John B. Summers, Executive Vice President and General Manager, National Association of Broadcasters, Washington, D.C.;

(6) Matthew L. Leibowitz, Special Counsel, The Florida Association of Broadcasters, Miami, Florida; (7) Dorothy Dillon, Former Assistant Director for Latin America, USIA. Washington, D.C.; (8) Philip Nicolaides, Former Deputy Director for Commentary and Analysis, Voice of America, Washington, D.C.; (9) John S. Nichols, Assistant Professor of Journalism, Penn State University; (10) Col. Samuel T. Dickens, Counsel, Inter-American Security and New World Dynamics, Washington, D.C.; (11) Manuel Gomez, President, Cuban-American Committee for the Normalization of Relations with Cuba, Woodside, New York; and (12) Frank Calzon, Executive Director, The Cuban-American National Foundation, Washington, D.C.

On August 10, the House amended and passed H.R. 5427 by a vote of 250 to 134.

On August 17, 1982, the Committee on Foreign Relations received the final report of the Presidential Commission, which basically reiterated and expanded the points made in the interim report.

On August 19, 1982, the Committee on Foreign Relations concluded its hearings on the Radio Marti issue by receiving the testimony of: (1) The Honorable Roger W. Jepsen (R-Iowa); (2) The Honorable Charles E. Grassley (R-Iowa) accompanied by Kenneth D. Saloman, Esq., Dow Lohnes and Albertson, Washington, D.C., and Kenneth Cunningham of his staff; (3) The Honorable Paula Hawkins (R-Florida); (4) The Honorable Richard Stone, Member, Executive Committee, Presidential Commission on Broadcasting to Cuba; and (5) Wayne Smith, Former Head, U.S. Interests Section, Havana, Cuba.

The Committee on Foreign Relations undertook final consideration of H.R. 5427 on August 20 and September 9, 1982. During those mark-ups, amendments were offered by Senators Percy, Pell, Tsongas, and Dodd.

The Committee rejected the adoption of the following: (1) an amendment offered by Senator Pell which would have incorporated Radio Marti as a Voice of America program by a record vote of 5–11 (Senators Pell, Zorinsky, Tsongas, Cranston, and Dodd voted yea; Senators Percy, Baker, Helms, Hayakawa, Lugar, Mathias, Kassebaum, Boschwitz, Pressler, Glenn, and Sarbanes voted nay); (2) an amendment offered by Senator Tsongas which would compensate U.S. commercial broadcasters for economic losses suffered as a result of Cuban retaliatory interference by a record vote of 7–9 (Senators Pell, Glenn, Sarbanes, Zorinsky, Tsongas, Cranston, and Dodd voted aye; Senators Percy, Baker, Helms, Hayakawa, Lugar, Mathias, Kassebaum, Boschwitz, and Pressler voted nay); and (3) an amendment offered by Senator Dodd which would have placed the money to be authorized for Radio Marti into a Caribbean Basin scholarship program by a record vote of 4–12 (Senators Pell, Tsongas, Cranston, and Dodd voting aye; Senators Percy, Baker, Helms, Hayakawa, Lugar, Mathias, Kassebaum, Boschwitz, Pressler, Glenn, Sarbanes, and Zorinsky voting nay).

The Committee did adopt by a voice vote an amendment by Senator Percy and two amendments by Senator Pell (see section-by-section analysis). Senator Helms requested to be recorded as opposed to both amendments offered by Senator Pell.

The bill (H.R. 5427), as amended, was ordered to be favorably reported to the Senate by a record vote of 11 to 5. Those voting yea were Senators Percy, Baker, Helms, Hayakawa, Lugar, Mathias, Kassebaum, Boschwitz, Pressler, Glenn, and Sarbanes. Senators Pell, Zorinsky, Tsongas, Cranston, and Dodd voted nay.

## Need for Radio Broadcasting to Cuba

In its final report issued on August 17, 1982, the Presidential Commission on Broadcasting to Cuba stated the following:

> For decades the United States has found radio the most effective means at its disposal to provide the truth to the peoples of the Soviet Union and Eastern Europe. Radio Free Europe and Radio Liberty have proven their worth in this effort. Yet in Cuba itself, Communist propaganda has no similar competition and there is no alternative view of the Castro government and its actions. Radio broadcasting aimed specifically at Cuba would provide such alternative views.
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> Communism well understands the power of ideas and devotes enormous resources to propagating its ideology and view of events with considerable emphasis on radio broadcasting aimed at specific countries. The Soviet Union outspends the United States by 7 to 1 in the area of international broadcasting and information. The Soviet Union and its Caribbean client, Cuba, outbroadcast the United States in Latin America by a ratio of 5 to 1 in terms of hours on the air. Radio Moscow is retransmitted to Latin America from Cuba, and Cuban radio propaganda echoes Radio Moscow themes. Cuba alone broadcasts 280 hours a week to Latin America and the Caribbean. The United States even lags behind some of its Western allies in broadcast hours around the world, but especially in the Caribbean, an area of strategic concern to the United States.
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> Some critics have questioned whether Radio Marti would find an audience among the Cuban people, claiming that the Cuban population is largely antagonistic toward the United States. Statements by Cuban officials, including several by President Castro, indicate that the Castro government is very concerned about the effect Radio Marti could have on the Cuban people. This suggests that the Cuban people, and especially the young (44 percent are under 20, 66 percent are under 35), may be a more receptive audience than those critics are willing to admit. Other critics argue that any news from a U.S. Government source is suspect in Cuba. Yet, Cuban officials themselves readily admit to listening to the VOA because it is comprehensive and accurate.
>
> Other critics have suggested that Cuba is a more open society than generally believed, that the range of information available in Cuba may be greater than recognized, and that there is wider political participation and greater freedom of expression than assumed. But, according to several Cuban

analysts, the recent increase in mass organizations, the Mariel exodus, the ascendency of hardliners among top-level decision-makers, and the implementation of a new, tougher penal code in November 1979 are all evidence of a decreased liberalization of Cuban society since early 1980. The "Country Reports on Human Rights Practices" submitted to Congress under this Administration and the last document how little free expression and political freedom exists in Cuba.

According to the 1979 Human Rights Report, "all political, economic, social, and cultural activities are under close control of the Communist Party. No political opposition is allowed. The press is owned and controlled by the Party apparatus. Freedom of speech is severely circumscribed." The 1979 Inter-American Human Rights Commission Report on Cuba noted that "the legal system in Cuba prevents free expression and any expression of disagreement with the socialist system. There are individuals who are in prison for the mere fact of having expressed their opposition to the system." According to the 1981 Human Rights Report, "All group activities in Cuba are controlled and monitored by the Communist Party and political block committees." While Radio Marti can do little about the limited outlets for expression in Cuba, it can significantly increase the availability of information to the Cuban people. Like RFE and RL at the beginning, Radio Marti will need to carefully establish its credibility and earn its audience. Whether people live in Gdansk or Havana, those in a closed society thirst for more information.

Artistic autonomy does not exist in Cuba. Infringement of intellectual freedom is accomplished through a Cuban form of "social realism" which punishes by law any "ideological deviation." Writers, filmmakers, educators and artists face the choice of conforming, departing or facing imprisonment. The large number of Cuban intellectuals resident abroad testifies to this fact. No dissent is tolerated. Likewise, while the press in Cuba may not always cover events in the same manner, story lines are predetermined and criticism of the Revolution or national issues is not permitted. American newsmen and others who have visited Cuba report that there is no non-communist printed material available to the public.

The Communist Party is the only legal party. "Citizens have some limited participation in discussion of local issues such as transportation, sanitation, and crime prevention, but only at the local level." (1980 Human Rights Report.) But there is no serious debate of national issues. These are precisely the issues which Radio Marti will try to cover.

The Inter-American Press Associataion (IAPA) at its 37th General Assembly in Rio de Janeiro in October 1981 resolved "to encourage free journalists of the continent, especially IAPA members, to make every effort to bring about the end of the news blackout for the people of Cuba, and support any means that would help achieve that objective."

For these reasons, the Commission believes the e is a need for Radio Marti."

The Committee, in approving H.R. 5427, as amended, endorses the rationale put forth above by the Presidential Commission.

### Frequency Selection Issue

On August 16, Senators Grassley and Jepsen cosponsored an amendment to H.R. 5427 designed to protect U.S. AM broadcasters from interference caused by Cuban jamming of Radio Marti. The amendment would have restricted Radio Marti to any on all of the following frequency options: (1) shortwave; (2) VOA's Radio Marathon frequency; (3) commercial AM stations which agree to lease broadcast time; and (4) any medium wave off-band AM frequency.

At the August 19th hearing and mark-up, the Administration proposed a substitute for the Grassley-Jepsen amendment. The Administration proposal provided that the agency charged with the responsibility for selecting a frequency for Radio Marti would take into consideration the changes in radio broadcasting plans made known at the Rio de Janeiro Regional Conference on Medium Wave (AM) Broadcasting. The intent of this substitute amendment is to encourage the selection of a frequency which would be less likely to encounter interference.

Senators Jepsen and Grassley agreed not to press their amendment provided that the Administration modified its amendment and agreed to fully support it through enactment. The Administration accepted the Grassley-Jepsen changes and submitted the following letter:

Washington, *September 8, 1982.*

Hon. Charles E. Grassley,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Grassley: I am writing to affirm the Administration's commitment to the alternative language concerning Radio Marti that you worked out with Powell Moore.

Sincerely,

William P. Clark.

On September 9, 1982, Senator Percy introduced the compromise amendment on behalf of the Administration and Senators Grassley and Jepsen. The following is a letter and attachment to Senator Percy from Senators Grassley and Jepsen setting forth their interpretation of the legislative intent of that amendment.

U.S. Senate,
*Washington, D.C., September 13, 1982.*

Hon. Charles H. Percy,
*Chairman. Senate Committee on Foreign Relations, U.S. Capitol, Washington, D.C.*

Dear Chuck: We want to express our deep appreciation for your effort to help protect the interests of American broadcasters with the authorization of Radio Marti. We hope that you will be able to provide additional assistance by inserting into the committee report language

that amplifies the content of the Administration's amendment to H.R. 5427.

As you know, the amendment that you introduced on behalf of the Administration was the result of compromise language developed during intense negotiations between committee staff, our staffs, the Presidential Commission on Broadcasting to Cuba, radio station WHO and the State Department. In agreeing to accept the compromise amendment rather than pressing for adoption of the amendment that we introduced which would have afforded greater protection to WHO and other broadcasters, we had a specific understanding of how the National Telecommunications and Information Administration would proceed in the frequency selection process.

Our staffs have prepared draft language reflecting our understanding of this new process. A copy of that language is enclosed for your information and we respectfully request that you include our language in the committee's report to reflect the legislative intent and the manner in which the five criteria are to be applied.

Our staffs would be pleased to work with yours should you have any questions about the enclosed language. Thank you for your consideration.

Sincerely,

CHARLES E. GRASSLEY,
*U.S. Senator.*

ROGER W. JEPSEN,
*U.S. Senator.*

Enclosure.

FREQUENCY SELECTION

Prior to introduction of this legislation, the Administration selected, without any public knowledge or participation, 1040 kHz for Radio Marti. 1040 kHz is an AM frequency in the commercial, nongovernment broadcast band and is assigned to Des Moines clear channel radio station WHO. WHO officials testified that they were never consulted by Administration officials concerning the use of their frequency; a failure which the Committee believes to have been serious.

The Committee's hearings established that the criteria used by Radio Marti's planners to identify and select 1040 kHz for broadcasts to Cuba were inadequate on two major accounts. First, they failed to take into account the domestic impact of Cuban retaliation against Radio Marti to commercial stations operating either in the same broadcast band or on the same frequency as Radio Marti. For four hours during the evening of August 30, 1982, Cuba demonstrated what may well be in store for U.S. broadcasters and their audiences when it broadcast the Voice of Cuba on 570, 670, 1040, 1160 and 1380 kHz in the AM band. The initial frequency selection process completely ignored these types of consequences. Second, the planners did not evaluate the likelihood of Radio Marti's essential message actually reaching Cuba when it selected 1040 kHz. The Committee is determined that Radio

Marti is to be built and operated in a band and on a frequency that will maximize its chances of success. The Committee believes, however, that Cuba's proposed radio operations must be considered in this process and it is concerned that the planners ignored or minimized the fact that Cuba has proposed operating a 500,000 watt station on 1040 kHz; ten times the power of Radio Marti. Indeed, initial reports of the August 30 broadcasts indicate Cuba's station on 1040 kHz operated with 240,000–250,000 watts.

The Committee believes that the House version of the legislation (H.R. 5427) which includes four criteria for selecting Radio Marti's frequency and provides for an open process in which the public will be permitted to participate, solves its first concern. However, H.R. 5427 failed to consider the impact of Cuba's proposed AM operations on the ability of Radio Marti's signal to reach Cuba. Therefore, the Committee has added a fifth criterion that requires that Cuba's AM station inventory be considered in the selection of Radio Marti's frequency. The Committee's amendment to H.R. 5427 insures that the impact of Cuban countermeasures and the viability of Radio Marti's signal over Cuba will govern the frequency selection process to be undertaken under authority of this Act.

Section 3, paragraph (d)(2) directs the National Telecommunications and Information Administration (NTIA) of the Department of Commerce to select a frequency for Radio Marti. The selection process would be conducted as a rulemaking in which the Federal Communications Commission and NTIA would consult and in which the public shall be permitted to comment. The Committee expects NTIA to afford the public a reasonable period of time to submit comments. NTIA's selection of a frequency for Radio Marti, therefore, will be under the authority of the Radio Broadcasting to Cuba Act rather than any provision of the Communications Act of 1934, as amended. As an arm of the Department of Commerce, NTIA's actions are subject to the provisions of the Administrative Procedure Act. Therefore, NTIA's selection of a frequency under Section 3(d)(1)(B) of this Act will constitute a final action of the Agency subject to judicial review under the authority of 5 U.S.C. § 704.

The Committee stresses that American Broadcasters and their audiences, as the events of August 30 document, face serious economic risks as a result of Cuban countermeasures against Radio Marti. All actions must be taken by the Administration and Congress to ameliorate those risks.

*American broadcasters*

While the Committee believes that the benefits to be derived by Radio Marti may outweigh the domestic harm, it is equally concerned that the vital American broadcast industry's integrity must be guarded. The Committee is not convinced that Radio Marti must operate within the AM band (535–1605 kHz) as defined by the FCC (47 CFR § 73.2) and, therefore, when selecting Radio Marti's frequency, the Committee ex-

pects that NTIA will give equal consideration to all possible delivery options: AM, FM, television, shortwave and off-band AM frequencies (530 and 1610 kHz). To protect the integrity of our broadcast system, the Committee intends that the frequency selected for Radio Marti under this Act must comply with each of the five criteria adopted by the Committee.

*Frequency selection criteria*

(1) Subparagraph (d)(2)(A) requires that nongovernment broadcast stations on the frequency selected for Radio Marti must be afforded the level of protection prescribed in the FCC's rules and regulations (47 CFR §§ 73.11, 73.181–190 in the case of the AM band). The FCC defines protection in terms of "objectionable interference" received from the operation of other stations. Accordingly, whatever frequency is selected, Radio Marti's broadcasts to Cuba may not cause interference to nongovernment stations on or adjacent to that frequency which exceeds the FCC's objectionable interference standards.

(2) In Subparagraph (d)(2)(B), the Committee requires that Radio Marti's frequency must result in the least possible interference to nongovernment stations from any possible countermeasures to Radio Marti taken by the Government of Cuba. In assessing the interference potential, NTIA shall consider all possible frequencies and broadcast bands, including the high and low ends of the AM band and shortwave. NTIA is to identify possible Cuban countermeasures and evaluate their impact when evaluating frequencies under this subparagraph. Countermeasures may include on-Island jamming of Radio Marti's signal, jamming Radio Marti's broadcasts in the United States through the broadcast of a high-powered tone on or adjacent to the frequency used for Radio Marti, high-powered broadcasting or counterbroadcasting on the frequency selected for Radio Marti (as occurred on August 30, 1982), random interference on nongovernment radio spectrum, and increased Cuban broadcasts into the United States on a number of frequencies. In applying this subsection, NTIA shall not accord greater weight to protecting a government station operating on the same frequency (such as the VOA's Radio Marathon—1180 kHz) than to interference caused to nongovernment broadcast stations.

In assessing possible Cuban countermeasures and their effects in this country prior to the selection of a frequency, NTIA must specifically weigh the impact if counterbroadcasts occurred on shortwave as opposed to AM, TV or FM. And NTIA must also assess the relative ease of jamming shortwave, AM, FM and TV in the frequency selection process.

(3) Subparagraph (d)(2)(C) requires NTIA to ensure to the extent possible that nongovernment broadcast stations will not suffer significant loss of service area or substantial economic harm as a result of Cuban countermeasures. "Sig-

nificant" loss of listening area is to be measured in terms of the FCC's "objectionable interference" standard. If objectionable interference will result from Cuban countermeasures, that frequency shall not be selected for Radio Marti.

"Substantial economic harm" is not an FCC-defined term. However, in the Committee's view such harm would include a substantial decrease in audience and/or advertising revenue resulting from a reduction in the size of a nongovernment station's FCC-licensed service area or a reduction in the quality of the signal normally provided within that service area as a result of Cuban countermeasures. Increased capital and operational costs that might be incurred by a station in an effort to regain lost arena and audience should be one factor considered by NTIA under this subparagraph.[1]

The Committee is acutely sensitive to the risks that Radio Marti poses to the commercial broadcast industry. For that reason, the Committee concludes that loss of more than 10 percent of a nongovernment station's gross revenues or audience to either Cuban interference countermeasures would constitute "substantial economic harm" under this paragraph and preclude selection of that station's frequency.

(4) The fourth criterion, subparagraph (d)(2)(D), directs NTIA to select a frequency for Radio Marti that is consistent with United States positions in international telecommunications conferences. The Committee notes, for example, that under the International Telecommunication Convention and Annexed Radio Regulations, Annexed Radio Regulation No. 423, 12 UST 1761, the AM band is intended for use exclusively as a domestic service. NTIA therefore should determine under subparagraph (d)(2)(D) whether a Radio Marti operation in the AM band (*i.e.*, 535 to 1605 kHz) is consistent with Annexed Radio Regulation No. 423. It appears to the Committee that use of frequencies just above and just below the FCC-defined AM band (535 to 1605 kHz), would be permissible under Article 115 of the Regulations. Since the Committee intends that an entirely new frequency selection must be undertaken by NTIA, it stresses that this subparagraph is not to be construed as giving any weight to the fact that 1040 kHz, the original Radio Marti frequency, is listed in the U.S. Region II AM inventory. In that regard, 1180 kHz is also listed. The Committee expects that NTIA will consider the potential harm to our regional neighbors from Radio Marti and Cuban countermeasures and how their reaction will affect our telecommunications relations with them. If an AM frequency is ultimately selected, the Committee assumes that the U.S. inventory will be amended via notification to the International Frequency Registration Board in Geneva.

(5) Subparagraph (d)(2)(E) was adopted by the Committee at its September 9 markup. It is the result of intensive

[1] In this regard, however, the Committee notes that the National Association of Broadcasters has concluded that increased power and other modifications of station's technical operation cannot recover all of the service area and audience lost to Cuban interference.

negotiations between members of this Committee, the Administration and other Senators to minimize the impact of Radio Marti on broadcasters while, at the same time seeking to ensure that Radio Marti's signal actually reaches the Cuban people. In adopting this criterion, the Committee acted in the belief that the expenditure in fiscal year 1983 of nearly $8 million for radio Marti would be a waste if, for technical reasons, the vital message of Radio Marti was unable to be received in Cuba. Thus, subparagraph (d)(2)(E) provides that NTIA must measure the interference potential of Cuba's proposed AM broadcast operations (measured as of the date of International Frequency Registration Board Circular Letter 508) in the frequency selection process.

In its modified AM inventory, Cuba has proposed constructing several very high-power radio stations, in some cases with ten times the power of Radio Marti, or any U.S. nongovernment AM station. Testimony heard by the Committee made it clear that as a matter of broadcast engineering principles, it would be impossible for Radio Marti's 50,000 watt signal to be received in Cuba in the face of a Cuban signal on the same frequency with several times more power. For example, Cuba proposes operating two 500,000 watt stations (ten times Radio Marti's power) on 1040 and 1160 kHz. Since Radio Marti's signal could not penetrate Cuba in the face of those proposed stations, the Committee believes that NTIA should not select those frequencies for Radio Marti. Similarly, Cuba has proposed a 150,000 watt station on 590 kHz, the frequency assigned for WOW, Omaha, Nebraska, and WGTM, Wilson, North Carolina. It makes no sense to assign Radio Marti to that frequency since its signal could not satisfactorily overcome the power of Cuba's station. The Committee agrees with Assistant Secretary of State Enders who told members of this Committee on August 19, in discussing the amendment, that the frequency selection process must take into account the efficiency of Radio Marti's signal, that is, its ability to serve the people of Cuba in the face of Cuba's proposed broadcasts.

With regard to the high-power Cuban stations and IFRB Circular Letter No. 508, it is important to note that the original frequency selection process for Radio Marti occurred before Cuba announced the shift of 48 of its AM stations to frequencies that will cause greater interference in the United States. The National Association of Broadcasters, as previously noted, estimates that Cuba's stations interfere with more than 200 stations in 32 states and the District of Columbia. One purpose of subparagraph (d)(2)(E) is to take those frequency developments that occurred since the initial Radio Marti frequency selection process into account. The Committee believes that those changes and their impact on the deliverability of Radio Marti's signal must govern NTIA's deliberations to ensure that Radio Marti provides the Cuban people with the information they lack. It would be cruel indeed to raise the hopes of the Cuban people, to provide them

with the window on the world and on their government that they now lack, only to have the project fail because an inappropriate frequency is selected. This subparagraph will prevent such a result.

The Administration prefers the use of an AM frequency for broadcasting to Cuba, but the Committee intends that NTIA's search is not to be limited to AM. In this regard the Committee heard testimony that shortwave and FM are far more difficult to jam than a single fixed AM station. The International Communication Agency's 1981 Radio Free Cuba Feasibility Study stated that, "Unlike jamming short-wave, deliberate electronic interference to [AM] broadcasting is easier, less costly, and more effective."

In light of that fact, NTIA must consider under Section 3 the use of shortwave for Radio Marti. The VOA has existing shortwave stations in Greenville, North Carolina; Bethany, Ohio; and Delano, California that can cover Cuba. Multiple shortwave broadcasts would present the Cuban government with a much more difficult and costly situation to jam while, at the same time, increasing the likelihood that Radio Marti's signal would be received in Cuba. It is true that there are fewer shortwave than AM radio receivers in Cuba. But the Committee believes that it may well be more efficient to broadcast Radio Marti on shortwave and actually reach some Cubans who could, in turn, pass on the information they learn about their government to their friends and neighbors than to broadcast on AM, which may have a statistical numerical advantage but which could be completely jammed on Cuba.

The Committee's amendment substituted the word select for identify in Section (3)(d)(2) and the word selected for the word identified in Section (3)(d)(1)(B) to assure that the frequency that NTIA determines most perfectly complies with the five frequency selection criteria will actually be assigned and used for Radio Marti. The substitution of the words select and selected guarantees that the NTIA proceeding is not a mere exercise.

In requiring a new frequency selection and specifying the criteria under which that process is to occur, the Committee carefully balanced the need to provide coverage in Cuba with the equally important need to protect American broadcasters and their audience.

## Section-by-Section Analysis

### Section 1—Short Title

This section provides a short title of the "Radio Broadcasting to Cuba Act."

### Section 2—Purposes

This section amends the Board for International Broadcasting Act to state that the United States supports the right of the Cuban people

to seek, receive, and impart information and ideas through any media, regardless of frontiers. Section 2 also finds that radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the Cubans and, in particular, information about Cuba itself. This langugage parallels the existing language relating to broadcasting to the Soviet Union and Eastern Europe by Radio Free Europe and Radio Liberty.

In addition, section 2 states that radio broadcasting to Cuba is in the national interest and describes the purpose of the Board for International Broadcasting Act as furthering open communication to Cuba as well as to Eastern Europe and the Soviet Union.

SETION 3—AUTHORITIES

This section amends the Board for International Broadcasting Act of 1973 to authorize BIB to use grants, contracts, or such other means as deemed by the Board to be most effective in carrying out the purposes of the act, as amended by section 2.

This section also provides discretionary authority for the use by Radio Marti of transmitter facilities at Marathon, Florida, and the accompanying VOA frequency in the event that a single AM frequency is chosen for Radio Marti.

Section 3 recognizes that Radio Marti is intended to operate within the parameters of Radio Free Europe and Radio Liberty, which are now overseen by the Board for International Broadcasting. These radios operate as surrogate radio stations in Eastern Europe and the Soviet Union. They broadcast indigenous news and information to the local populace.

Section 3 provides that the National Telecommunications and Information Administration, in consultation with the Federal Communications Commission and after public participation, shall select an appropriate frequency for the radio. The frequency will be chosen to provide protection for non-government radio broadcasting in the United States and to produce the least interference to such broadcasting.

SECTION 4—AUTHORIZATION OF APPROPRIATIONS

This section authorizes $7.5 million for FY 1983 to carry out the purposes of this legislation. The amounts authorized here are intended to cover the operation of Radio Marti and any compensation authorized by BIB under section 6 of the bill for U.S. broadcasters harmed by Cuban interference.

The Committee amendment earmarks $300,000 to the Board for International Broadcasting to be used only for administrative expenses, including new staff and travel, in connection with its oversight responsibilities.

SECTION 5—ASSISTANCE FROM OTHER AGENCIES

Section 5 of H.R. 5427 allows other Federal agencies to provide property, support and services to the Board for International Broadcasting for Radio Marti. The Committee's amendment requires the

Board to pay full reimbursement to any agency which provides such support, property or services. In so doing, the Committee struck a provision of H.R. 5427 allowing the President to direct that services and support be provided without reimbursement.

In essence, the Committee amendment requires that Radio Marti's budget reflect the full costs of Radio Marti. Allowing Radio Marti a blank check to draw on the appropriations of other agencies would inhibit effective Congressional oversight of Radio Marti's expenses and would be financially irresponsible, especially at a time of record deficits and budget cutbacks.

The Committee was also concerned that the non-reimbursement provision would allow Radio Marti to raid the appropriations of other valuable programs, including the Voice of America, Radio Free Europe and Radio Liberty. The Committee amendment would prohibit such practices.

Full reimbursement for support services and property would be the actual cost of such support, services or property to the taxpayers or, alternatively, the fair market value of such services, support or property. Reimbusement would be required for property sold, loaned, leased or granted, and for administrative and technical support services. It would not, of course, include advice, directives or guidelines provided by the Executive Branch.

SECTION 6—CUBAN INTERFERENCE WITH U.S. BROADCASTING

This section expresses the sense of Congress that the Secretary of State should seek prompt and full settlement of U.S. claims against Cuba and Cuban interference with U.S. broadcasting. Pending settlement of such claims, the section provides discretionary authority for compensation by the U.S. Government to broadcasters for expenses they incur in mitigating the effects of Cuban interference (such as increasing power, making antenna alterations, etc.). Since the question of appropriate levels of compensation depends on a number of factors, the budgetary limitations on such compensation are left to determination by regulation.

Section 6(b) expresses the sense of the Congress that a task force should be formed by the President to analyze Cuban interference experienced by the U.S. broadcasters and suggest practical political and technical solutions to the problem.

SECTION 7—MERGER OF BOARDS OF DIRECTORS

The Committee endorses the House provision making the Board for International Broadcasting the oversight agency for Radio Marti. Through its oversight of Radio Free Europe and Radio Liberty, the BIB has demonstrated its ability to provide effective leadership consistent with Congressional mandates for objectivity, impartiality and consistency with U.S. foreign policy objectives.

The Committee's amendment requires that the membership of any corporate board created to operate Radio Marti be the Presidentially-appointed Directors of the Board for International Broadcasting. This amendment strengthens the BIB's ability to exercise effective

oversight over Radio Marti and would create a structure parallel to that for Radio Free Europe/Radio Liberty. The amendment does not require the creation of a separate corporate board and does not prevent the BIB from providing for radio broadcasting to Cuba without creating a new corporate entity.

The Committee notes that one of the recommendations of the Presidential Commission for Broadcasting to Cuba is that the Commission's mandate be extended one year so that the Commission can have an oversight role. The House provision, as strengthened by the Committee's amendments, makes it clear that the Presidentially-appointed Directors of the BIB (who are subject to Senate confirmation) shall have exclusive oversight responsibilities for Radio Marti.

The decision to extend the Presidential Commission on Broadcasting to Cuba is an Executive Branch decision. The Committee notes that its future role would to limited as the Commission has filed its final report thus fulfilling its mandate as set out by Executive Order 12323. Since its inception in September 1981, the Commission has spent $99,000.

## Cost Estimate

Rule XXVI, paragraph 11 (a) of the Standing Rules of the Senate requires that committee reports on bills or joint resolutions contain a cost estimate for such legislation in the fiscal year it is reported and in each of the following 5 years. The Congressional Budget Office has prepared the following estimate of H.R. 5427:

U.S. Congress,
Congressional Budget Office,
*Washington, D.C., September 13, 1982.*

Hon. Charles H. Percy,
*Chairman, Committee on Foreign Relations,*
*U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act, the Congressional Budget Office has prepared the attached cost estimate for H.R. 5427, the Radio Broadcasting to Cuba Act, as ordered reported by the Senate Committee on Foreign Relation on September 9, 1982.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

Raymond C. Scheppach,
(For Alice M. Rivlin, Director.)

### Congressional Budget Office—Cost Estimate

1. Bill number: H.R. 5427.
2. Bill title: Radio Broadcasting to Cuba Act.
3. Bill status: As ordered reported by the Senate Committee on Foreign Relations, on September 9, 1982.
4. Bill purpose: This legislation authorizes the appropriation of $7.5 million in fiscal year 1983 for radio broadcasting to Cuba, and

authorizes the payment to United States radio and television broadcasting station licensees to compensate them for expenses which they incur in mitigating the effects of activities by the Government of Cuba which interfere with the transmission or reception of the broadcasts of those licensees.

5. Cost estimate:

| | *Millions* |
|---|---|
| **Budget function 150:** | |
| **Authorization level:** | |
| **Fiscal year:** | |
| 1983 | $7.5 |
| 1984 | 0 |
| 1985 | 0 |
| 1986 | 0 |
| 1987 | 0 |
| **Estimated outlays:** | |
| **Fiscal year:** | |
| 1983 | 7.0 |
| 1984 | 0.5 |
| 1985 | 0 |
| 1986 | 0 |
| 1987 | 0 |

6. Basis of estimate: This estimate assumes enactment of this legislation and subsequent appropriation of the authorized amounts by September 30, 1982. The estimated outlays are based on the first-year spend-out rates for fiscal year 1983 in the Administration's Mid-Session Review.

Section 6 of the bill amends the Board for International Broadcasting Act with a new sense of the Congress section directing the Secretary of State to seek a settlement of claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States and authorizing the Federal Communications Commission to instruct the Board for International Broadcasting to make payments to U.S. radio and television broadcasters to compensate them for expenses which they incur in mitigating interferences with the transmission or reception of these broadcasts. The language is permissive and open ended. In testimony given by the National Association of Broadcasters, over 200 AM radio stations in 32 states are threatened by Cuban radio interference. With an estimated cost of $100–200 thousand per station such payments could exceed $40 million for improvements in facilities alone. Any payments would require additional authorization and appropriations language.

7. Estimate comparison: The Administration has provided no estimate on the potential costs of section 6.

8. Previous CBO estimate: The CBO cost estimates of April 1, 1982 and July 13, 1982 were based on a two-year authorization which included a $10 million authorization for fiscal year 1982.

9. Estimate prepared by: Joe Whitehill.

10. Estimate approved by:

C. G. NUCKOLS,
(For James Blum, Assistant
Director for Budget Analysis).

## Evaluation of Regulatory Impact

In accordance with Rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out the provisions of H.R. 5427.

Section 3 may cause the Board for International Broadcasting to issue regulations defining their oversight responsibilities.

Section 3 may cause the National Telecommunications and Information Administration and the Federal Communications Commission to issue new regulations giving the procedures to be followed in the selection of a frequency for Radio Marti.

Section 6 may cause the Board for International Broadcasting and the Federal Communications Commission to issue regulations governing the procedures for granting compensation to U.S. broadcasters for damages caused by Cuban interference.

## Changes in Existing Law

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## BOARD FOR INTERNATIONAL BROADCASTING ACT OF 1973

* * * * * * *

### DECLARATION OF PURPOSES

SEC. 2. (*a*) The Congress hereby finds and declares—

(1) that it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with article 19 of the Universal Declaration of Human Rights;

(2) that open communication of information and ideas among the peoples of the world contributes to international peace and stability, and that the promotion of such communication is in the interests of the United States;

(3) that Free Europe, Incorporated, and the Radio Liberty Committee, Incorporated (commonly referred to as Radio Free Europe and Radio Liberty), which have now been consolidated into RFE/RL, Incorporated, have demonstrated their effectiveness in furthering the open communication of information and ideas in Eastern Europe and the Union of Soviet Socialist Republics;

(4) that the continuation of RFE/RL, Incorporated, as an independent broadcast media, operating in a manner not inconsistent with the broad foreign policy objectives of the United States and in accordance with high professional standards, is in the national interest; and

(5) that in order to provide an effective instrumentality for the continuation of assistance to RFE/RL, Incorporated, and to encourage a constructive dialog with the peoples of the Union of Soviet Socialist Republics and Eastern Europe, it is desirable to establish a Board for International Broadcasting.

*(b) The Congress further finds and declares—*

*(1) that it is the policy of the United States to support the right of the people of Cuba "to seek, receive, and impart information and ideas through any media and regardless of frontiers", in accordance with article 19 of Universal Declaration of Human Rights;*

*(2) that, consonant with this policy, radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba; and*

*(3) that such broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interest.*

*(c) Therefore, in addition to furthering the open communication of information and ideas in Eastern Europe and the Union of Soviet Socialist Republics, it is the purpose of this Act to further the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba.*

* * * * * * *

FUNCTIONS

SEC. 4. (a) * * *

*(c) In order to carry out the purposes set forth in section 2 of this Act, the Board is authorized to provide for the open communication of information and ideas through the use of radio broadcasting. Radio broadcasting to Cuba under this Act shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news. The Board may carry out this subsection by means of grants, contracts (subject to the availability of appropriations), or such other means as the Board determines will most effectively carry out the purposes set forth in section 2 of this Act.*

*(d)(1) For purposes of providing for radio broadcasting in accordance with subsection (c)—*

*(A) the broadcasting facilities located at Marathon, Florida that were used by the Voice of America before the date of the enactment of the Radio Broadcasting to Cuba Act may be used for radio broadcasting to Cuba under this Act; and*

*(B) a frequency selected under paragraph (2) shall be the frequency which is used for radio broadcasting to Cuba under this Act.*

*(2) The Assistant Secretary of Commerce for Communications and Information, in consultation with the Federal Communications Commission, shall select, after receiving public comment, an appropriate frequency or frequencies for radio broadcasting to Cuba under this Act—*

*(A) which will provide protection to non-Government radio broadcasting in the United States as prescribed in the rules and regulations of the Federal Communications Commission;*

*(B) which will produce the least interference to non-Government radio broadcasting from any counter-measure taken by the Government of Cuba with respect to such radio broadcasting to Cuba;*

*(C) which will ensure, to the extent possible, that no non-Government radio station will suffer significant loss of listening area or substantial economic harm due to any such countermeasure; and*

*(D) which is consistent with the interests of the United States with respect to any international telecommunications conferences in which it participates.*

*(E) which takes into account service and interference potential of radio stations currently listed in the Plan for Western Hemisphere broadcasting, as supplemented by International Frequency Registration Board Circular—Letter No. 508.*

*(3) In carrying out paragraph (2), the Assistant Secretary of Commerce for Communications and Information shall consider all possible radio frequencies and bands.*

*(4) The Federal Communications Commission shall provide to the Assistant Secretary of Commerce for Communications and Information such data and technical information as the Assistant Secretary finds to be necessary in carrying out paragraph (2).*

*(5) For purposes of subparagraphs (B) and (C) of paragraph (2), the Secretary of State shall notify the Assistant Secretary of Commerce for Communications and Information and the Federal Communications Commission of any measure by the Government of Cuba which violates international law and which may interfere with radio or television broadcasts in the United States.*

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. (a)(1) There are authorized to be appropriated to carry out the purposes of this Act—

(A) $81,917,000 for the fiscal year 1980 and $86,787,000 for the fiscal year 1981, of which amount for each such year not less than $790,000 shall be available only to carry out the provisions of this Act other than the provisions of paragraph (1) of section 4(a); and

(B) such additional amounts for any fiscal year as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law.

(2) In order to maintain the level of operations authorized under paragraph (1) for RFE/RL, Incorporated, there are authorized to be appropriated such additional amounts as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates occurring after November 30 of the preceding fiscal year. Amounts appropriated under this paragraph shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines (and so certifies to the Congress) is necessary, because of such fluctuations, in order to maintain the level of operation authorized under paragraph (1) for RFE/RL, Incorporated.

(3) Amounts appropriated under this subsection are authorized to be made available until expended.

(b) The Director of the Office of Management and Budget shall place in reserve and inform the Congress of any amount appropriated under this section which, because of upward fluctuations in

foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for RFE/RL, Incorporated.

(c) *There are authorized to be appropriated to the Board to carry out the Radio Broadcatisng to Cuba Act $7,500,000 for the fiscal year 1983. Amounts appropriated under this subsection are authorized to be made available until expended. Of the amounts authorized to be appropriated under this section, no less than $300,000 shall be available only for the Board for International Broadcasting for additional expenses incurred by the Board as a result of the exercise of its oversight responsibilities over radio broadcasting to Cuba.*

* * * * * * *

MERGER OF THE BOARD FOR INTERNATIONAL BROADCASTING AND THE RFE/RL BOARD

SEC. 11. (a) Effective 60 days after the date of enactment of this section, no grant may be made under this Act to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the Board for International Broadcasting and of no other members, except that the member of the Board for International Broadcasting who is an ex officio member of that Board because of his or her position as chief operating executive of RFE/RL, Incorporated, may participate in the activities of the Board of Directors but may not vote in the determinations of the Board of Directors; and

(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it deems necessary to carry out the purposes of this Act.

(b) Compliance with the requirement of paragraph (1) of subsection (a) shall not be construed to make RFE/RL, Incorporated, a Federal agency or instrumentality.

(c) *No grant may be made under subsection (c) of section 4 to Radio Broadcasting to Cuba, Incorporated, or any corporation which may be established after the date of enactment of the Radio Broadcasting to Cuba Act to provide radio broadcasting to Cuba unless such corporation provides in its certificate of incorporation that—*

*(1) the board of directors of such corporation shall consist of the members of the Board for International Broadcasting and no other members; and*

*(2) such Board of Directors shall make all major policy determinations governing the operation of such corporation and shall appoint and fix the compensation of such managerial officers and employees of such corporation as it deems necessary to carry out the purposes of this Act.*

*ASSISTANCE FROM OTHER GOVERNMENT AGENCIES*

*SEC. 12. In order to assist the Board in carrying out the purposes set forth in section 2 of this Act, any agency or instrumentality of the United*

*States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Board. Support and services shall be provided on a full reimbursable basis. Any reimbursement shall be credited to the appropriation from which the property, support, or service was derived.*

*CUBAN INTERFERENCE WITH BROADCASTING IN THE UNITED STATES*

*SEC. 13. (a) It is the sense of the Congress that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States. Pending the settlement of these claims, it is appropriate to provide some interim assistance for United States broadcasters adversely affected by Cuban interference.*

*(b) Accordingly, the Federal Communications Commission is authorized to instruct the Board to make payments to United States radio and television broadcasting station licensees to compensate them for expenses which they incur in mitigating the effects of activities by the Government of Cuba which interfere with the transmission or reception of the broadcasts of those licensees.*

*(c) The Federal Communications Commission may issue such regulations and establish such procedures for carrying out this section as the Commission finds appropriate. In issuing such regulations and establishing such procedures, the Commission may establish criteria to evaluate the financial claims of affected licensees. Such criteria may include (but shall not be limited to) the duration, stability, and extent of alleged Cuban interference, including the establishment of a threshold loss of service prior to any compensation recommendation. The Commission may also establish limits on the type and extent of reimbursable expenses, prorate Cuba's share in situations involving multiple interference sources, and require affected licensees to revert to original station parameters without further compensation whenever Cuban interference ceases.*

## MINORITY VIEWS OF SENATORS PELL, ZORINSKY, TSONGAS, CRANSTON AND DODD

We oppose passage of H.R. 5427. Radio Marti is bad government policy. It is a waste of tax dollars and is unlikely to be heard. Radio Marti is, however, likely to invite a radio war which would be disastrous to U.S. commercial broadcasting and which could cost private U.S. businesses many millions of dollars. Radio Marti is a foreign policy initiative which will surely be more harmful to U.S. national interests than to the presumed enemy. It is pointless, self-destructive, and should not be done.

While we oppose Radio Marti, we strongly affirm the right of the Cuban people to information about their own society. We supported an amendment to provide programming on Cuba for Cubans through expansion of existing Voice of America broadcasts to Cuba. Such an approach would have been responsible and the programming would have been consistent with the VOA's high standards for objectivity, accuracy, and reliability. Expanded VOA programming would cost considerably less than Radio Marti, would be much more likely to be heard, and would avoid a damaging radio war. Regrettably the amendment failed.

### FOREIGN POLICY CONSIDERATIONS

For the past 20 years, United States policy toward Cuba has been one of confrontation. The policy has included invasion, economic blockade, diplomatic isolation, and assassination attempts on Cuban leader Fidel Castro. Radio Marti is seen in Cuba as a continuation of that policy.

While we support the objective of containing Cuban interventionism abroad, the policies of the last 20 years are demonstrably bankrupt. Cuba is clearly more influential in the world today than it was 5, 10 or 15 years ago. Cuba remains a hostile power ninety miles off our shore, an interventionist force in Africa, and an advocate of revolutionary violence and wars of national liberation in our hemisphere. A new cold war radio station—there have been a number of covert and overt predecessors to Radio Marti—will not change Cuba's foreign policy. If anything, it may enhance Cuba's anxieties about a U.S. attack and drive it closer to the Soviet Union.

Radio Marti is seen in Cuba as a gratuitous provocation. The inevitable escalation of United States-Cuban tensions will hardly have a moderating influence on Cuban foreign policy.

### RADIO WAR

Cuban officials including President Fidel Castro have made it abundantly clear that, if Radio Marti goes on the air, they will respond by counter broadcasts on a range of frequencies used by U.S.

commercial AM broadcasters. Cuba has recently constructed two 500-kilowatt transmitters (10 times the power of any used in the United States) as well as several other new transmitters of lesser power. On the evening of August 30, 1982, Cuba dispelled any doubts about its intent to use that power in a radio war. Broadcasts that evening effectively reduced the listening range of stations such as Des Moines' WHO (1040 kilohertz), Chicago's WMAQ (670 kilohertz), and Salt Lake City's KSL (1160 kilohertz) from a radius of more than 2,000 miles each to a radius of 30 to 40 miles.

The consequences of Cuban counter broadcasts would be catastrophic for American AM broadcasters and for the American listening public. The National Association of Broadcasters has testified that threatend Cuban interference could affect over 200 AM stations in 34 States. The Congressional Budget Office has estimated that technical improvements to help mitigate the interference problem would cost more than $40 million. Cuban counter broadcasts could cost affected stations hundreds of millions annually in lost advertising revenues.

A radio war would deny millions of Americans access to a vitally important source of news, information and entertainment. Counter broadcasts on WHO's 1040 frequency, for example, would effectively wipe out that station's early morning farm programs which provide vital business information to farmers throughout the Midwest.

The burdens of this foreign policy initiative will fali disproportionately on American broadcasters and on those Americans who depend on radio. Although Cuban counter broadcasting would certainly be an unjustified and illegal response to Radio Marti, it is well to ask whether the benefits Marti outweigh the harm done to a key American industry.

We regard as irresponsible a bill which may well cost American businessmen hundreds of millions of dollars in unreimbursed losses. At a minimum this legislation should be altered to avoid such losses or to provide fair compensation.

### THE COST EFFECTIVENESS OF RADIO MARTI

H.R. 5427 authorizes $7,500,000 for Radio Marti for FY 1983. According to the proponents this will buy 14 hours of programming—two-thirds of which will be sports and entertainment—and a 50 kilowatt transmitter to be located on the Florida Keys. The transmitter will reach only Western Cuba. An additional transmitter—not included in this bill—is required to reach the more populous Eastern Cuba and would cost $2 million.

Section 6 of the bill authorizes payments (subject to additional appropriations) to stations making technical adjustments to mitigate the effects of Cuban interference. As noted above, the CBO estimates this will cost at least $40 million. Were the Government to compensate stations for lost revenue as a result of Cuban counter broadcasts—a likely outcome since it would be grossly unfair for the broadcasters to bear these costs imposed on them by Government action—the annual costs of Radio Marti will be in the hundreds of millions of dollars.

These enormous expenditures will buy a radio station which will not be heard. Cuba clearly has the ability and the will to block indefinitely Radio Marti's signal.

Even if Radio Marti were heard, the proposed facility would only reach the Western half of the island. This area is already served by Spanish language radio and television broadcasts from Southern Florida. Many feel the advertisements on these broadcasts more effectively point up the contrast between our economic and political systems than a radio station which would be widely viewed in Cuba as a propaganda exercise.

### AN ALTERNATIVE—EXPANDED VOICE OF AMERICA PROGDAMMING

Instead of creating a separate Radio Marti, we supported a proposal made by Senator Pell to expand existing VOA programming to Cuba from the present 5½ hours to 14 hours daily. The additional programming would have been devoted to news about Cuba and to programs specially designed for Cuban audiences.

Expanded Voice of America programming has enormous advantages over the Radio Marti proposal. The cost, according to estimates prepared by VOA, would be less than $4 million. The Voice of America has tremendous credibility in Cuba. The additional programming would meet the VOA's high standards for objectivity, accuracy and reliability. Consequently such programming would have credibility with Cuban audiences. (Radio Marti in contrast has no track record and is likely to be seen as a continuation of earlier U.S. propaganda stations.)

Expanded Voice of America programming has another advantage over Radio Marti. It will be heard. Cuban jamming of present VOA broadcasts are minimal to non-existent. Wayne Smith, until recently head of the U.S. Interests Section in Havana, testified before the Foreign Relations Committee that, based on his conversations with Cuban officials, he does not believe expanded VOA programming for Cuba would be jammed.

Most important, however, expanded VOA broadcasts would not invite a radio war. For this reason the Executive Committee of the National Association of Broadcasters endorsed this proposal as one acceptable alternative to Radio Marti. The advantage of VOA option is that, unlike Radio Marti, its greatest impact will be on Cubans (who will actually hear it) and not on U.S. broadcasters and listeners.

### CONCLUSION

The Radio Marti proposal as embodied in H.R. 5427 is badly flawed. The cost of the bill as reported out of Committee is excessive in terms of both its direct and hidden costs. The $7,500,000 authorized by the bill for fiscal year 1983 will buy a radio station of dubious quality and uncertain audience. The cost to the taxpayers is nearly twice that of using existing VOA facilities to broadcast to a known audience.

In addition, Radio Marti will create large costs which will be borne by private U.S. broadcasters (through no fault of their own) or by the U.S. taxpayers. In return for these large expenditures—of which only a fraction actually appears in this bill—the American people will acquire a radio station that is not likely to be heard or believed.

Radio Marti is the absurd conclusion of a bankrupt Cuba policy. It is an insult to the American taxpayer.

There are effective ways to provide reliable information to the Cuban people and to influence Cuban Government behavior. Radio Marti is not one. For these reasons, we oppose H.R. 5427.

CLAIBORNE PELL.
EDWARD ZORINSKY.
PAUL E. TSONGAS.
ALAN CRANSTON.
CHRISTOPHER J. DODD.

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